UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,922	06/26/2001	Bret P. O'Rourke	MS1-656US	3848

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EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2171	*H*

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/892,922	O'ROURKE ET AL.
	Examiner	Art Unit
	Sana Al-Hashemi	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claims Status: 1-34 are rejected.

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/2003

has been entered.

Applicant's arguments with respect to claims 1-34 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Baxter et al. (US Patent No.6,356,903).

1.   Regarding Claims 1, 10, 17, and 24, Baxter discloses a method for a server to

provide content to a client, the method comprising:

receiving a request from the client for one or more requested content items (see

column 17, lines 6- 8, Baxter);

identifying a data structure that refers to one or more further content items (see

column 17, lines 8-10, Baxter) ;

providing the content items referenced by the modified data structure (see column

17, lines 16-18, Baxter); and

Baxter does not disclose the step of modifying the data structure to reference the

requested content items. However, Baxter discloses a method of modifying the retrieved

content (see column 5, lines 30-36, Baxter). The Examiner takes official notice that it was

well known to modify data structure to reference requested content, items. It would have

been obvious to one of ordinary skill in the art at the time of the invention to use the

method of modifying the retrieved content and apply it to the data structure, and the

motivation will be allowing users to modify the requested data according to their needs.

2.   Regarding Claims 2, 11, 18, and 25, Baxter discloses a method wherein

identifying the data structure, the data structure comprises a playlist[1]);

wherein receiving the request, the one or more requested content items comprises

streaming media content (see column 5, lines 9-12, Baxter); and

wherein providing the content items further comprises streaming the content items

referred to by the playlist (see column 5, lines 31-36, Baxter).

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[1] Referring to table 3, URL which identifies the web page corresponds to play list

3.   Regarding Claims 3, 12, 19, and 26, Baxter discloses a method wherein

identifying the data structure, the data structure comprises a first Web page specification,

and the requested content comprises a second Web page specification (see Fig. 4A, T1,

column 6, lines 12- 18, Baxter).

4.   Regarding Claims 4, 13, 20, and 27, Baxter discloses a method wherein

modifying the data structure further comprises adding a plurality of references to the

requested content item in the data structure (see column 6, 21-30, Baxter).

5.   Regarding Claims 5, 14, 21, and 28, Baxter discloses a method wherein

modifying the data structure further comprises adding a plural number of references to

the requested content item in the data structure, the number being indicated by the request

(see column 7, lines 57-59, Baxter).

6.   Regarding Claims 6, 15, and 22, Baxter discloses a method wherein receiving the

request, further comprises receiving a variety of requests from the client, at least one

subset of the variety of requests comprising respective requests to one or more different

content items (see column 18, lines 14-18, Baxter).

7.   Regarding Claims 7, 16, and 23, Baxter discloses a method wherein modifying

the data structure, the data structure further comprises a placeholder that identifies a

particular point in a sequence where the reference to the requested content is placed (see

column 18, lines 2-8, Baxter).

8.   Regarding Claims 8, and 29, Baxter discloses a method wherein identifying the

data structure further comprises creating the data structure by modifying a base data

structure (see column 12, lines 16-28, Baxter).

9.   Regarding Claims 9, and 30, Baxter discloses a method wherein identifying the

data structure further comprises creating the data structure copying a base data structure

(see column 6, lines 46-53, Baxter).

10.   Regarding Claim 31, Baxter discloses sever wherein at least a subset of the

received request refer to differing content items (see column 6, lines 4-11, Baxter).

11.   Regarding Claim 32, Baxter discloses a computer-readable medium having stored

thereon a wrapper data structure comprising:

         one or more first data fields, each data field containing data therein representing a

respective reference to a set of content items (see Fig 4A, T1, column 7, table 1, Baxter) ;

and

         at least one second data field containing data therein representing a respective

placeholder to identify a particular point in a sequence of the one or more first data fields

where a reference to a set of client requested content is to be inserted (see Fig 4A, T2,

table 2, Baxter).

12.   Regarding Claim 33, Baxter discloses a computer-readable medium:

         wherein the data structure comprises a playlist (see column 5, lines 9-12, Baxter);

and

         wherein the content items and the client requested content are streaming media

content items that are respectively identified with a Universal Resource Locator (see

column 6, lines 17-21, Baxter).

13.   Regarding Claim 34, Baxter discloses a computer-readable medium:

         wherein the data structure comprises a Web page(see column 2, lines 12-15,

Baxter);

wherein the content items are a first set of Web page specifications (see column 2,

lines 15-19, Baxter); and

wherein the client requested content are one or more second Web page

specifications (see column 2, lines 19-24, Baxter).

Response to Amendment

In the response filed March 10, 2004 (paper #11), Applicant has amended

claims 1-34 and has presented arguments that are directed to the newly added provisions

in these claims. The examiner maintains that Baxter (US Patent No. 6,356,903) still reads

on under § 103. all of the claimed subject matter, including the newly added provisions as

set forth above in the body of the rejection.

Points of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-

4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30

PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this

office action should be mailed to: The Commissioner of Patents and Trademarks,

Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or

draft communications, please label "PROSPOSED" or "DRAFT". Hand-delivered

response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist,

Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
March 10, 2004

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